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9 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. OT 2007-203

13 **WENDY LYNN STACKHOUSE**
711 Chimney Rock Drive
14 Oceanside, CA 92058

PETITION TO REVOKE PROBATION

15 **Occupational Therapist License**
16 **No. OT 6049**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Heather Martin (Complainant) brings this Petition to Revoke Probation solely in her
21 official capacity as the Executive Officer of the California Board of Occupational Therapy,
22 Department of Consumer Affairs.

23 2. On or about January 24, 2003, the California Board of Occupational Therapy issued
24 Occupational Therapist License Number OT 6049 to Wendy Lynn Stackhouse (Respondent).
25 The Occupational Therapist License was in effect at all times relevant to the charges brought
26 herein and will expire on February 28, 2010, unless renewed.

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3. In a disciplinary action entitled "In the Matter of Accusation Against Wendy Lynn Stackhouse," Case No. OT2007-203, the California Board of Occupational Therapy, issued a decision, effective May 30, 2009, in which Respondent's occupational therapist license was revoked. However, the revocation was stayed and Respondent was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2570.26 of the Code states:

(a) The board may, after a hearing, deny, suspend, revoke, or place on probation a license, certificate, inactive license, inactive certificate, or limited permit.

(b) As used in this chapter, “license” includes a license, certificate, limited permit, or any other authorization to engage in practice regulated by this chapter.

(c) The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part I of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

FIRST CAUSE TO REVOKE PROBATION

(Failure to Notify Employer)

7. At all times after the effective date of Respondent's probation, Condition 6 stated:

6. Notification to Employer(s). When currently employed or applying for employment in any capacity in any health care profession, Respondent shall notify her employer of the probationary status of respondent's license. This notification to the current employer shall occur no later than the effective date of the Decision. Respondent shall notify any prospective health care employer of her probationary status with the Board prior to accepting such employment. This notification shall be

made by providing the employer or prospective employer with a copy of the Board's Accusation and Stipulated Settlement and Disciplinary Decision and Order.

...

Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, within five (5) days if she is terminated from any occupational therapy or health care related employment with a full explanation of the circumstances surrounding the termination.

8. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 6, referenced above. The facts and circumstances regarding this violation are as follows:

A. Respondent failed to provide her employer, Aviara Health Care, with a copy of the Accusation and Stipulated Settlement and Disciplinary Order.

B. Respondent commenced her employment with Aviara Health Care on June 2, 2009 and provided written notice to the Board more than 5 days later, on June 30, 2009.

C. Respondent's employment with Aviara Health Care was terminated on July 22, 2009. Respondent provided written notice to the Board more than 5 days later, on August 7, 2009.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Abide by Supervision Requirements)

9. At all times after the effective date of Respondent's probation, Condition 8 stated:

8. Supervision Requirements. Respondent shall obtain prior approval from the Board, before commencing any employment, regarding the level of supervision provided to the respondent while employed as an occupational therapist or occupational therapy assistant....

10. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 8 in that Respondent did not obtain prior approval from the Board before commencing her employment with Aviara Health Care. Respondent advised the Board of her employment at Aviara Health Care 28 days after she commenced her employment, depriving the Board of the opportunity to consider and approve the level of Respondent's supervision.

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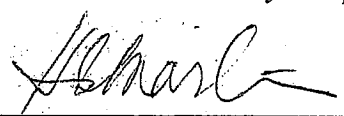
	testing facility fee to conduct the urinalysis.
October 15, 2009	Declined to provide a specimen.
November 5, 2009	No show.
January 5, 2010	No show.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Occupational Therapy issue a decision:

1. Revoking the probation that was granted by the California Board of Occupational Therapy in Case No. OT2007-203 and imposing the disciplinary order that was stayed thereby revoking Occupational Therapist License No. OT 6049 issued to Wendy Lynn Stackhouse;
2. Revoking or suspending Occupational Therapist License No. OT 6049, issued to Wendy Lynn Stackhouse;
3. Taking such other and further action as deemed necessary and proper.

DATED: January 28, 2010


 HEATHER MARTIN
 Executive Officer
 California Board of Occupational Therapy
 Department of Consumer Affairs
 State of California
 Complainant

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